

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

DUPLICATE

JAMES R. BAYES  
(202) 429-7064

July 31, 1987

Mr. William J. Tricarico  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED  
JUL 31 1987  
FCC  
Office of the Secretary

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) A copy of U.S. Three's April 30 request is attached.

As indicated in the April 30 letter, U.S. Three has already been directed to change frequencies once, from its original Channel 244A to Channel 296A. The licensee's present financial condition does not permit it to absorb the impact of repeated dislocations of its operations and the need to establish, and then reestablish, its identity on a new channel. Consequently, U.S. Three requested authority for WKSJ to remain silent pending the Commission's disposition of the Jupiter/Melbourne rulemaking proceeding.

The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSJ special temporary authority to remain silent through August 1, 1987. The Commission's Notice of Proposed Rulemaking in the Jupiter/Melbourne proceeding was not released until July 2, 1987, however, and comments and reply comments are not due until August 24 and September 8, 1987, respectively. Accordingly, U.S. Three remains uncertain as to the channel on which it will ultimately be required to resume permanent

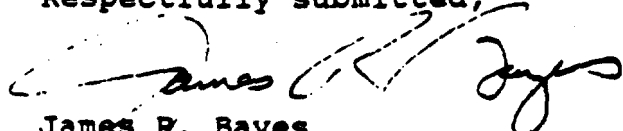
WILEY, REIN & FIELDING

Mr. William J. Tricarico  
July 31, 1987  
Page 2

operations. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. U.S. Three is hopeful that the situation will be clarified by the contents of comments and reply comments, and that once the comment deadline in the rulemaking proceeding has passed, it will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes  
Counsel for U.S. Three  
Broadcasting Corporation

cc: Dennis Williams (BY HAND)  
Glenn Greisman (BY HAND)

DUPLICATE

RECEIVED

APR 30 1987

FCC  
Office of the Secretary

April 30, 1987

Mr. William J. Tricarico  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM) and WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 1, 1987, U.S. Three Broadcasting Corporation and U.S. Two Broadcasting Corporation, licensees of WKSJ(FM) and WTRU(AM), Jupiter, Florida, advised the Commission that the stations had temporarily suspended operations effective April 1, 1987.

As the Commission's records will reflect, WKSJ(FM) has heretofore operated on Channel 244A (96.7 MHz). In its Second Report and Order in Docket No. 2139, 47 RR 2d 1280 (1980), the Commission changed the Jupiter FM channel assignment from 244A to 296A in order to accommodate a new allotment at Homestead, Florida. The Commission, however, permitted WKSJ to continue to operate on Channel 244 until a permittee for the new Homestead station had been selected. In March of 1986, the Commission issued a construction permit for the Homestead FM station to Radio Intermart Corporation. After extended negotiations between U.S. Three and Radio Intermart concerning reimbursement for the expense U.S. Three will incur in connection with the frequency change necessary to accommodate the new FM station, U.S. Three agreed to vacate Channel 244A. To that end, WKSJ(FM) temporarily suspended operations on April 1, 1987. Because WTRU(AM) simulcasts the WKSJ programming, the AM station also suspended operations on that date. U.S. Three understands that WKSJ may not resume operations on Channel 244 and, consistent with the Commission's 1980 rulemaking decision, the station would be required to resume operations on Channel 296A.

However, on or about February 27, 1987, Silicon East Communications Corporation ("SEC"), licensee of WVTI(FM), Melbourne, Florida submitted a petition for rulemaking to

Mr. William J. Tricarico  
April 30, 1987  
Page 2

permit WVTI to upgrade from Class A to Class C2 facilities. In order to accommodate the WVTI upgrade, SEC proposes that the Commission substitute Channel 258A for the current, but as yet unused, allotment of Channel 296A at Jupiter, Florida. U.S. Three has no objection to the proposed channel substitution, and has this day filed a statement in support of SEC's petition for rulemaking. However, U.S. Three is deeply concerned by the prospect of making two substantial frequency changes, possibly within the space of a few months, in order to accommodate changes in the Table of Allotments proposed by other parties. The licensee's present financial condition does not permit it to absorb the potentially devastating impact of repeated disruptions of its operations and the need to establish, and then reestablish, an identity on a new channel. In addition, U.S. Three respectfully submits, the public interest would not be served by two such rapid changes in the frequency on which WKSJ is required to operate.

Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes  
Counsel for WKSJ and WTRU

cc (BY HAND)  
Gordon Malick

TELEGRAPHIC MESSAGE

NAME OF AGENCY  <b>FEDERAL COMMUNICATIONS COMMISSION</b>	PRECEDENCE  ACTION: <b>U.S.</b>  INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION <b>000000</b>	DATE PREPARED <b>11-5-87</b>	FILE
FOR INFORMATION CALL		
NAME <b>POSTAL AND AUDIO SERVICES DIVISION</b>	PHONE NUMBER <b>502-3954</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. THREE BROADCASTING CORPORATION  
RADIO STATION W K S Y (S H) (TIGHT & MAIL)  
C/O COURTNEY VANCE & SON (S H)  
2541 CUSHING ROAD  
PE. HAYNE, IN. 46608  
PHONE: 219-484-0500

REFERENCE 0020-000. INLET HAYNE 10-30-87.

FOCUS AND CONDITIONS COMMISSIONS TELEPHONE 5-26-87

RECORDED FROM 2-1-88.

CHARLES WILLIAMS, BRANCH CHIEF  
HARRIS CRITCHFIELD, S.F.C.  
JAMES W. GORDON, FCC

CC: JAMES R. WILSON, SSG.  
AND HAYNE

gdg/mrb:asd

MAIL BRANCH  
NOV 5 1987  
SENT VIA  
WESTERN UNION

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

JAMES R. BAYES  
(202) 429-7064

February 1, 1988

FEB 2, 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) U.S. Three previously had been directed to change frequencies from Channel 244A to Channel 296A, and wished to avoid the severe economic hardship of two successive channel changes. By telegram dated May 26, 1987, the Commission granted WKSJ special temporary authority to remain silent through August 1, 1987.

The Commission subsequently extended U.S. Three's authorization through February 1, 1988.

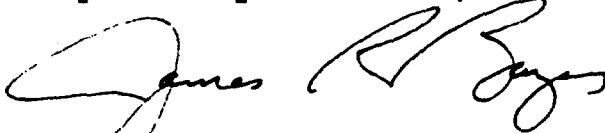
While U.S. Three has been informed that the Melbourne/Jupiter petition has been granted by the Commission, the decision has not yet been released. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended further until the rulemaking proceeding is completed. Once the rulemaking decision is released, U.S. Three will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

WILEY, REIN & FIELDING

Mr. H. Walker Feaster, III  
February 1, 1988  
Page 2

Should any questions arise concerning this matter,  
kindly advise the undersigned.

Respectfully submitted,



James R. Bayes  
Counsel for U.S. Three  
Broadcasting Corporation

JRB/mld  
Enclosures

cc: Dennis Williams (BY HAND)  
Glenn Greisman (BY HAND)  
Robert Taylor

## TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>		PRECEDENCE ACTION: <b>H.L.</b> INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION <b>COLLECT</b>		DATE PREPARED	FILE
FOR INFORMATION CALL			
NAME <b>FM BRANCH/AUDIO SERVICES DIVISION</b>		PHONE NUMBER	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
<p><b>TO:</b></p> <p><b>U.S. THREE BROADCASTING CORPORATION</b>  <b>RADIO STATION W K S Y (F M) (PHONE &amp; MAIL)</b>  <b>C/O ROBERT TAYLOR WYKE (F M)</b>  <b>2541 GOSHEN ROAD</b>  <b>FT. WAYNE, INDIANA 46802</b>  <b>ATTN: 212-484-3530</b></p> <p><b>EXPIRATION 0030-000. DELETE DATES 2-1-88. URGENT AND</b>  <b>40 DIVISIONS COMMISSION TELETYPE 5-26-87 EXPIRATION TIME</b>  <b>5-1-88.</b></p> <p><b>DEKING DELAWARE, BRANCH CHIEF</b>  <b>4100 GOSHEN, D.C.S.</b>  <b>WAGE INDIAN BUREAU, EOC</b></p> <p><b>CC: JAMES E. BAYES, DSO.</b>  <b>FOR INFO</b></p> <p><b>cdh/AMC:ad</b></p>			
		SECURITY CLASSIFICATION	
PAGE NO.		NO. OF PGS.	

MAIL BRANCH

FEB 08 1988

SENT VIA  
WESTERN UNION



WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

JAMES R. BAYES  
(202) 429-7064

April 29, 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Feaster:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida). U.S. Three previously had been directed to change frequencies from Channel 244A to Channel 296A, and wished to avoid the severe economic hardship of two successive channel changes. The Commission has granted WKSJ special temporary authority to remain silent through May 1, 1988, while the rulemaking proceeding went forward.

By Report and Order released February 10, 1988, the Commission concluded the Melbourne/Jupiter rulemaking proceeding and substituted Channel 258A for Channel 296A at Jupiter, Florida, effective March 28, 1988. The Commission also modified WKSJ's license to specify operation on Channel 258A, subject to submission and grant of a minor change application. That application has been prepared and forwarded to the Commission for processing, but has not yet been granted. Therefore, the station is not yet in a position to resume operations.


5/5/88  
Nothing on  
BARB  
101

Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended until its minor change application is granted and the modified facilities are ready for operation. At that time, U.S. Three will be able to resume FM service to the Jupiter, Florida community.

Mr. H. Walker Feaster, III  
April 29, 1988  
Page 2

Should any questions arise concerning this matter,  
kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes  
Counsel for U.S. Three  
Broadcasting Corporation

cc: Dennis Williams (BY HAND)  
Glen Greisman (BY HAND)  
Robert Taylor

## TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>		PRECEDENCE <b>MAIL BRANCH</b>	SECURITY CLASSIFICATION
		ACTION: <b>MAY 07 1988</b>	
		INFO:	
ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 5-6-88		SENT VIA <b>WESTERN UNION</b>
FOR INFORMATION CALL			
NAME FM BRANCH/AUDIO SERVICES DIVISION	PHONE NUMBER 632-3534	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
<p><b>TO:</b></p> <p>U.S. TRUNK BROADCASTING CORPORATION  RADIO CITY NEW YORK (F 10) (PHONE 1010)  C/O ROBERT BAILOR, ASST. (F10)  2541 GOSHEM ROAD  FT. WAYNE, INDIANA 46808  PHONE: 219-434-8500</p> <p>REFERENCE 1020-006. DATE DATES 4-29-88. TOWNS AND  COMMUNICATIONS COMMISSION TELEGRAM 5-26-87 EXTENDED TOWNS  9-1-88.</p> <p>TERMS WILLIAMS, BRANCH CHIEF  GENERAL MANAGER, C.I.C.  HARRIS HARRIS, TOWNS</p> <p>CC: JAMES E. FAY, TOWNS  TOWNS</p> <p>ad/10:ad</p>			
		SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.		

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

JAMES R. BAYES  
(202) 429-7064

July 28, 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Feaster:

By letter dated April 29, 1988, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of WKSJ's minor change application to specify operation on Channel 258A, pursuant to the FCC's directive in the Report and Order released February 10, 1988 (MM Docket No. 82-233). Previously, the Commission had granted U.S. Three's request to remain silent pending the FCC's disposition of that rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. U.S. Three previously had been directed to change frequencies from Channel 244A to Channel 296A, and wished to avoid the severe economic hardship of two successive channel changes. Thus, the Commission granted WKSJ special temporary authority to remain silent through May 1, 1988, while the rulemaking proceeding went forward, and subsequently extended that authority through August 1, 1988.

As explained in its letter of April 29, 1988, U.S. Three has filed its modification application with the Commission (File No. BPH-880502IC). That application has not yet been granted. Therefore, the station is not yet in a position to resume operations.

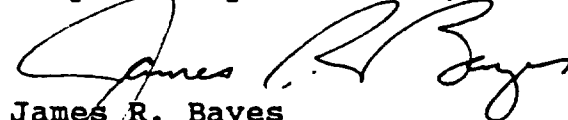
WKSJ has taken steps, however, to enable it to resume operation promptly upon FCC grant of its modification application. The undersigned is advised that the station has placed an order for new equipment and construction services with Harris Corporation and has made a cash deposit on that order. The station has been advised by Harris Corporation that manufacturing of the new equipment has begun.

Mr. H. Walker Feaster, III  
July 28, 1988  
Page 2

Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended until its minor change application is granted and the modified facilities are ready for operation. At that time, U.S. Three will be able to resume FM service to the Jupiter, Florida community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes  
Counsel for U.S. Three  
Broadcasting Corporation

cc: Dennis Williams (BY HAND)  
Glen Greisman (BY HAND)  
Robert Taylor

AUG 1 1988

FM BRANCH  
signed by  
mailed by

8920-GDG

U.S. Three Broadcasting Corporation  
c/o Robert Taylor  
2341 Goshen Road  
Ft. Wayne, Indiana 46808

In re: WKSJ(FM) Jupiter, Florida  
U.S. Three Broadcasting Corporation  
Request to Extend Temporary  
Authorization

Dear Mr. Taylor:

This is in reference to the letter, dated July 28, 1988, filed by your attorney.

The terms and conditions of the Commission's telegram sent May 26, 1987 are extended thru November 1, 1988 pending Commission action on File No. BPH-880502IC.

Sincerely,

*Ed Jorgensen*

Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: James R. Bayes, Esq.

EIC Miami

GDGreisman: FM Branch

RECEIVED

WILEY, REIN & FIELDING

NOV 9 1988

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

Federal Communications Commission  
Office of the Secretary

JAMES R. BAYES  
(202) 429-7064

November 9, 1988

RECEIVED

NOV 09 1988

FM BRANCH

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated July 28, 1988, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission previously authorized WKSJ to remain silent through November 1, 1988.

As the Commission's records will reflect, WKSJ suspended operations in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. To avoid the disruption of the second channel change proposed in MM Docket No. 87-233, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of that proceeding.

The rulemaking proceeding has been completed, and WKSJ has filed its modification application with the Commission (File No. BPH-880502IC; BPH-880831IE). The Commission's staff is actively processing the application, and U.S. Three Broadcasting Corporation filed an amendment in response to a staff request on October 31, 1988. Accordingly, it appears that the modification application will be granted shortly, and WKSJ will be in a position to resume operations.

In fact, WKSJ has already taken steps to enable it to resume operation promptly upon FCC grant of the modification application. The undersigned is advised that the licensee has made arrangements for all necessary equipment, is reassembling a station staff, and is taking the other necessary steps to put WKSJ and WTRU back in operation. As

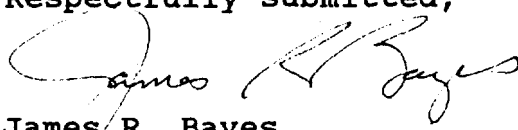
Ms. Donna R. Searcy  
November 9, 1988  
Page 2

soon as the Commission has granted the WKSJ application, the FM licensee will complete the modifications required to return the station to the air on its new channel.

Accordingly U.S. Three respectfully requests a further extension of its authorization for WKSJ to remain silent pending processing and grant of the minor change application and implementation of the facilities modifications necessary for WKSJ to operate on the new FM channel. Due to an inadvertence, this request was not filed prior to the expiration of the previous telegraphic authorization for WKSJ to remain silent. Accordingly, to the extent it may be deemed necessary, U.S. Three also requests authorization nunc pro tunc for the period commencing November 2, 1988.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes

cc: Dennis Williams (BY HAND)  
Glen Greisman (BY HAND)  
Robert Taylor



U.S. Three Broadcasting Corporation  
c/o Robert Taylor  
2541 Goshen Road  
Ft. Wayne, Indiana 46808

In re: WKSJ (FM) Jupiter, Florida  
U.S. Three Broadcasting  
Corporation  
Request to Extend Temporary  
Authorization

Dear Mr. Taylor:

This is in reference to the letter, dated November 9, 1988, filed by your attorney.

The terms and conditions of the Commission's May 26, 1987 telegram are extended through February 1, 1989. No further extension of this authority is contemplated.

Sincerely,



Donnis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

for

CC: James R. Bayos, Esq.  
EIC Miami

CDGreisman: FM Branch

Q' m

Do you do  
silent Auth?

January 24, 1989

Robert B. Taylor, Licensee  
WKSJ (FM)  
500 North Delaware  
P.O. Box 848  
Jupiter, Florida 33458

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

MAIL ROOM

FEB 2 1989

Handled by

FEB 2 1989

101 Bldg

Re: WKSJ (FM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated November 9, 1988, U.S. Three Broadcasting Corporation, former licensee of WKSJ (FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission has authorized WKSJ to remain silent through February 1, 1989.

On November 15, 1988, the Commission granted the WKSJ minor change application (File No. BPH-88083IIE). At this time, the licensee of WKSJ and co-located WTRU (AM) is taking the necessary steps to put these stations back in operation. Much of the necessary physical construction work has been accomplished on both stations. The following work has been done on WKSJ as preparation to resume broadcasting:

- 1) The old transmission line and old 3 bay antenna tuned to 96.7 MHZ has been removed from the FM tower.
- 2) The licensee has had a new 3 bay antenna manufactured by Harris Corporation, tuned to 99.5 MHZ. This new antenna and a new transmission line were recently installed on the FM tower by contractors employed by the licensee.
- 3) We have purchased a new TFT model 884 FM modulation monitor tuned to 99.5. This unit was delivered to the station in Jupiter on January 24, 1989.
- 4) A new exciter tuned to 99.5 has been purchased and delivered.


-2-

Prior to resuming operation, the new exciter must be installed in the WKSJ transmitter and other adjustments must be made to the transmitter by the manufacturer. To accomplish this, the licensee has contracted with Harris Corporation to fly a team of field technicians from Quincy, Illinois, to Jupiter to do the work. Until this field work by Harris Corp. is completed, WKSJ will not be able to resume broadcasting operations.

Accordingly, as licensee of WKSJ, I respectfully request a further extension of the Commission's authorization for WKSJ to remain silent for up to an additional sixty (60) days.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
Robert B. Taylor  
Licensee, WKSJ (FM)

cc: Dennis Williams

RBT:caft

- 30 -

-234  
363

MAIL BRANCH

FEB 2 1989

signed by  
mailed by

8920-CDG

FEB 1 1989

Robert B. Taylor  
500 North Delaware  
P.O. Box 848  
Jupiter, Florida 33458

In re: WKSJ (FM) Jupiter, Florida  
Request to Extend Temporary  
Authorization

Dear Mr. Taylor:

This is in reference to your request, dated January 24, 1989, to extend the terms and conditions of the Commission's May 26, 1987 authorization for WKSJ(FM) to remain silent.

In support of your request, you note that a number of specific steps have been taken to implement the changes authorized by the Commission's November 15, 1988 grant of WKSJ's minor change construction permit application. You indicate, for example, that the station's new antenna and transmission line were recently installed on the tower and that new equipment (modulation monitor and exciter) has been purchased and delivered. An additional sixty-day period of silence is required, you state, to permit the installation of and adjustments to this equipment.

Accordingly, the terms and conditions of the Commission's May 26, 1987 telegram are extended through April 1, 1989.

Sincerely,



*Don*  
Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: EIC Miami  
G.D. Greisman: FM Branch

**EXHIBIT NO. 12**

FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: <b>HL</b> INFO:	SECURITY CLASSIFICATION <b>MAIL BRANCH</b> <b>MAY 22 1987</b>
ADMINISTRATIVE CLASSIFICATION <b>SECRET</b>	DATE PREPARED <b>5-21-87</b>	FILE <b>SENT VIA WESTERN UNION</b>	
FOR INFORMATION CALL			
NAME <b>AM BRANCH 7</b>	PHONE NUMBER <b>254-9572</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.  
RADIO STATION WTRU (AM)  
C/O ROBERT TAYLOR (PHONE AND MAIL)  
RADIO STATION WXXE (219) 484-0560  
2541 GOSSEN  
FT. WAYNE, INDIANA 46808

REF. 8910-ARE. RELET BAYES 5-12-87. TEMPORARY AUTHORITY TO  
REMAIN SILENT GRANTED THRU 8-17-87, WTRU, JUPITER, FLORIDA,  
PENDING RESOLUTION OF FINANCIAL DIFFICULTIES AND EQUIPMENT  
REPAIRS TO TRANSMITTER AND GROUND SYSTEM. ANY REQUEST FOR  
EXTENSION MUST SHOW SPECIFIC STEPS ARE BEING TAKEN TO RESUME  
OPERATION. NECESSARY TO MAINTAIN PRESCRIBED TOWER LIGHTING.

THOMAS H. ALBERS, CHIEF  
AM BRANCH  
MASS MEDIA BUREAU, FCC

EIC - MIAMI, FLORIDA

cc:  
JAMES H. BAYES, ESQ.

ANDREE ELLIS  
COMMS. ANALYST

SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

JAMES R. BAYES  
(202) 429-7064

August 17, 1987

AUG 19 1987  
AM BRANCH

Mr. William J. Tricarico  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

AM BRANCH

Re: WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letters dated April 30, 1987 and May 12, 1987, U.S. Two Broadcasting Corporation, licensee to WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida).

As set forth in the licensee's previous letters, WTRU's sister station, WKSX(FM), which is licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations effective April 1, 1987 in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. In order to avoid the disruption of the second channel change proposed in the Jupiter/Melbourne proceeding, U.S. Three requested that WKSX be permitted to remain silent pending the completion of that proceeding. Because WTRU simulcasts the programming of WKSX, the AM station also was forced to suspend operations on April 1, 1987, and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs before it could be returned to the air, the expense of which would pose a substantial financial hardship for the licensee if the AM station is required to return to the air before the companion FM station resumes operations. The Commission granted U.S. Two's request by telegram dated May 21, 1987, and granted WTRU authority to remain silent through August 17, 1987.

On July 31, 1987, U.S. Three submitted a letter request for extension of the FM station's authority to remain silent.

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A copy of that request is attached. As U.S. Three advised the Commission, the Notice of Proposed Rulemaking in the Jupiter/Melbourne proceeding was not released until July 2, 1987, and comments and reply comments are not due until August 24 and September 8, 1987, respectively. Accordingly, U.S. Three remains uncertain as to the channel on which the FM station ultimately will be required to resume permanent operations. U.S. Three requested and was granted authority to remain silent pending further developments in the Jupiter/Melbourne proceeding. See Commission telegram dated August 3, 1987 (copy attached).

Since the filing of U.S. Two's previous request for authority for WTRU(AM), the licensee has made substantial progress toward restoring the AM facilities to operational status. Specifically, the relays in the AM station's primary transmitter have been replaced, and the transmitter is now operational. The station's ground system had been damaged by debris from construction in an adjacent housing development. U.S. Two prevailed upon the contractor to remove the foreign material from the station's ground system, and that system is also now operational.

However, as set forth in U.S. Two's previous request, the licensee does not possess the financial resources to operate WTRU separately, as a stand-alone daytime AM station. WTRU has simulcast the programming of WKSX since 1982, and has been able to operate only as an appendage of the FM station. The AM station does not have a separate staff, and advertising time is sold only on a combined basis. In view of the suspension of operations of the FM station, the joint staff has been released and would have to be reassembled before the AM station could resume broadcasting. The licensee believes, however, that advertising time cannot be sold successfully for WTRU alone, and that operation of the AM station while its sister FM station remains off the air would pose an extreme financial hardship.

U.S. Two and U.S. Three are hopeful that the FM rulemaking situation will be clarified by the content of comments and reply comments to be filed on August 24 and September 8, 1987. Once the comment deadline in the rulemaking proceeding has passed, it will be possible for U.S. Three to take steps toward the prompt resumption of FM service, which in turn will permit the resumption of operations by AM station WTRU.



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Accordingly, U.S. Two Broadcasting Corporation respectfully submits that the circumstances which necessitated the suspension of operations by WTRU still obtain, and requests that its authorization to remain silent be extended pending further developments in the rulemaking proceeding concerning the channel assignment of its companion FM station.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes

cc (BY HAND):  
Andree Ellis

(BY MAIL):  
Robert Taylor